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8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 OMAR LUNA,

11 Plaintiff,

12 v.

13 1 Stop Kitchen & Bath, LLC et al.,

14 Defendants.  
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No. 2:24-CV-07711-JAK (PDx)

**ORDER RE TO SHOW CAUSE RE:  
SUPPLEMENTAL JURISDICTION  
OVER STATE-LAW CLAIMS**

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17 Based on a review of the Complaint (Dkt. 1), the following determinations are  
18 made:

19 The Complaint alleges violations of the Americans with Disabilities Act, 42  
20 U.S.C. §§ 12101 et seq. (the “ADA”), the Unruh Civil Rights Act (the “Unruh Act”),  
21 Cal. Civ. Code §§ 51-53, and other provisions of California law. Supplemental  
22 jurisdiction is the basis for the state-law claims. Dkt. 1 ¶ 7.

23 District courts may exercise “supplemental jurisdiction over all other claims that  
24 are so related to claims in the action within such original jurisdiction that they form part  
25 of the same case or controversy under Article III of the United States Constitution.” 28  
26 U.S.C. § 1367(a). This “is a doctrine of discretion, not of plaintiff’s right.” *United Mine*  
27 *Workers v. Gibbs*, 383 U.S. 715, 726 (1966). “In order to decide whether to exercise  
28

1 jurisdiction over pendent state law claims, a district court should consider . . . at every  
2 stage of the litigation, the values of judicial economy, convenience, fairness, and  
3 comity.” *Nishimoto v. Federman-Bachrach & Assocs.*, 903 F.2d 709, 715 (9th Cir. 1990)  
4 (citation omitted).

5 In 2012, California imposed heightened pleading requirements for Unruh Act  
6 claims. Cal. Civ. Code § 55.52(a)(1); Cal. Code Civ. Proc. § 425.50(a). In 2015,  
7 California also imposed a “high-frequency litigant fee” for plaintiffs and law firms that  
8 have brought large numbers of construction-related accessibility claims. Cal. Gov’t Code  
9 70616.5. As detailed in previous orders by this Court and other district courts in  
10 California, these reforms addressed the small number of plaintiffs and counsel who bring  
11 a significant percentage of construction-related accessibility claims. *E.g.*, *Whitaker v.*  
12 *RCP Belmont Shore LLC*, No. LA CV19-09561 JAK (JEMx), 2020 WL 3800449, at \*6-  
13 8 (Mar. 30, 2020); *Garibay v. Rodriguez*, No. 2:18-cv-09187-PA (AFMx), 2019 WL  
14 5204294, at \*1-6 (C.D. Cal. Aug. 27, 2019). These statutes impose special requirements  
15 for construction-related accessibility claims brought by high-frequency plaintiffs  
16 pursuant to the Unruh Act. Because accepting supplemental jurisdiction over such claims  
17 would permit high-frequency plaintiffs to side-step those state-law requirements by  
18 pursuing the claims in a federal forum, many district courts, including this one, have  
19 declined to exercise such jurisdiction. *E.g.*, *Whitaker*, 2020 WL 3800449, at \*6-8;  
20 *Garibay*, 2019 WL 5204294, at \*1-6.

21 A review of the docket in this District shows that, in the one-year period preceding  
22 the filing of the Complaint, Plaintiff has filed more than ten actions in which he has  
23 advanced construction-related accessibility claims. In a California Superior Court,  
24 Plaintiff would be deemed a high-frequency litigant. Therefore, “California’s recent  
25 legislative enactments confirm that the state has a substantial interest in this case.” *Perri*  
26 *v. Thrifty Payless*, No. 2:19-CV-07829-CJC (SKx), 2019 WL 7882068, at \*2 (C.D. Cal.  
27 Oct. 8, 2019).

1 In light of the foregoing, Plaintiff is **ORDERED TO SHOW CAUSE** why the  
2 Court should not decline to exercise supplemental jurisdiction over the state-law claims.  
3 Plaintiff shall file a response to this Order to Show Cause, not to exceed ten pages, on or  
4 before October 30, 2024. In responding to this Order to Show Cause, Plaintiff shall  
5 identify the amount of statutory damages Plaintiff seeks to recover. Plaintiff shall also  
6 present a declaration, signed under penalty of perjury, providing the evidence necessary  
7 for the Court to determine if Plaintiff meets the definition of a “high-frequency litigant”  
8 as defined in Cal. Code Civ. Proc. § 425.50(b)(1) & (2). Failure to file a timely response  
9 to this Order to Show Cause may result in the dismissal of the state-law claims without  
10 prejudice by declining to exercise supplemental jurisdiction over them, pursuant to 28  
11 U.S.C. § 1367(c). Defendant may also file a response to this Order to Show Cause, not to  
12 exceed ten pages, on or before November 6, 2024. Upon receipt of the response(s), the  
13 matter will be taken under submission, and a written order will issue.

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16 **IT IS SO ORDERED.**

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18 Dated: October 16, 2024



19 John A. Kronstadt

20 United States District Judge  
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